

TESTIMONY OF THE SHEFF V. O'NEILL PLAINTIFFS IN SUPPORT OF SENATE RESOLUTION NO. 7 AND HOUSE RESOLUTION NO. 4 APPROVING THE SETTLEMENT AGREEMENT IN SHEFF V. O'NEILL.

Plaintiffs in the lawsuit of *Sheff v. O'Neill*, submit this testimony through their attorneys Martha Stone, Executive Director of the Center for Children's Advocacy, Dennis Parker, Director of the Racial Justice Program of the American Civil Liberties Union, Vincent Southerland and Leticia Smith-Evans of the NAACP Legal Defense and Educational Fund, Inc. and Wesley Horton of Horton, Shields and Knox. Plaintiffs fully support the resolutions and urge the approval of the settlement agreement so that continued progress can be made in complying with the requirements of the Connecticut Constitution and in providing quality, desegregated educational opportunities for children of color in Hartford whom the Connecticut Supreme Court found had been unconstitutionally deprived of those opportunities by racial and ethnic segregation in Hartford public schools.

I. THE STATE HAS A CONSTITUTIONAL OBLIGATION TO ADDRESS THE RACIAL AND ETHNIC ISOLATION OF HARTFORD STUDENTS.

The Connecticut Supreme Court found that racial and ethnic isolation denies children their constitutional right to substantially equal educational opportunity.¹ The Court also made clear that the state's awareness of severe racial and ethnic isolation imposed upon it the obligation to remedy the isolation.² Having found that Hartford students were racially and ethnically isolated, the Court directed the legislature and the executive branch to put the search for appropriate remedial measures at the top of their respective agendas.³ For the reasons set forth below, we believe that the approval of the proposed settlement agreement is a necessary step in discharging the state's obligation.

II. THE SETTLEMENT AGREEMENT OFFERS A REASONABLE AND EFFICIENT WAY TO MAKE PROGRESS TOWARD MEETING THE STATE'S CONSTITUTIONAL OBLIGATIONS.

The Settlement Agreement is the result of months of arduous negotiations between the plaintiffs, representatives of the Departments of Education and Law, the Office of Policy and Management, the Regional School Choice Office for the Greater Hartford Region, the City of Hartford and the Hartford Board of Education. Throughout the negotiations, the parties sought to balance the constitutional mandate expressed in the *Sheff v. O'Neill* decision with the educational and budgetary considerations which accompany the remedial steps being considered.

The resulting, one-year agreement built upon prior negotiated agreements which have been responsible for achieving the progress seen thus far in the region while also serving as the foundation for negotiations currently underway for the period following the expiration of the proposed one-year agreement. Like the earlier negotiated agreements in

¹ *Sheff v. O'Neill*, 238 Conn. 1 at 46 (1996).

² *Id.* at 29.

³ *Id.* At 29.

the case, the current proposed settlement agreement builds upon proven voluntary desegregation methods to achieve the goal of increasing the percentage of Hartford-resident students of color attending schools in desegregated settings. Prior efforts resulted in increasing the number of Hartford-resident minority students from 11% in 2006-07 to 42.85% in the 2013-14 school year. Under the proposed agreement that percentage would be increased to 44%, a goal which would be achieved by expanding placements in magnet schools and Open Choice schools by 1,853 students.

Although the Settlement Agreement relies upon programs currently in existence, it both recognizes the current economic pressures presented and takes the opportunity to develop new and innovative programs. Recognizing the relatively higher cost of developing new magnet programs, this one-year agreement relies more heavily on the less-expensive Open Choice program and requires the State to do more aggressive outreach to increase participation levels of suburban schools. Other less costly initiatives include expanded capacity of existing magnet schools and improved marketing of existing spots. The agreement also includes innovative new programs such as the Capitol Community School, Hartford Public School Senior Academy, Goodwin College Academy, Renzulli Gifted and Talented School and Montessori Summer Immersion School which either through innovative programming or new partnerships, create educational opportunities for students throughout the Metropolitan Hartford area while creating educational models for the rest of the state and country.

Although the plaintiffs continue to be frustrated at the rate at which students are being provided desegregated educational opportunities, the fact remains that the progress, however slow, has been steady and cumulative. A failure to build upon the foundation already established threatens to undercut the success that is already achieved.

III. THE SHEFF PROGRAMS HAVE RESULTED IN SUBSTANTIAL EDUCATIONAL BENEFITS TO STUDENTS IN THE HARTFORD METROPOLITAN REGION.

The programs which the Settlement Agreement seeks to extend and expand have experienced success that goes far beyond placing students in reduced racial isolation education settings. The benefits of racially integrated schools have been well-documented. These include promoting cross-racial understanding and the reduction of racial prejudice, the improvement of life opportunities, better preparation for participation in a diverse workforce, decreased likelihood of residential segregation and increased parental involvement in schools.⁴ Conversely, racial and ethnic isolation in schools is associated with higher teacher turnover, lower teacher quality, concentrated educational disadvantages, limited access to peers who can positively influence learning and lower educational outcomes.⁵

Studies done locally confirm the educational benefits resulting from the reduction in racial and ethnic isolation resulting from the Sheff programs. Studies have shown that Project Choice students outperform the average percentage of black and Latino in Hartford and statewide.⁶ Studies of CREC and Hartford Magnet Schools show that students at those schools significantly outperform students in the Hartford Public schools. (Attached as Exhibit A).

IV. A FAILURE TO APPROVE THE SETTLEMENT WOULD RESULT IN ADDITIONAL EXPENSE AND DELAY AND COMPROMISE EDUCATIONAL OPPORTUNITIES FOR HARTFORD METROPOLITAN AREA STUDENTS

⁴Parents Involved in Community Schools v. Seattle School District No. 1, Amicus Brief of 553 Social Scientists in Support of Respondents, 2006.

⁵Id.


⁶Frankenberg, Erica, Improving and Expanding Hartford's Project Choice Program, (Poverty & Race Research Action Council, September 2007)

Under the proposed Settlement Agreement, should the legislature fail to approve the agreement the plaintiffs are authorized to return to court for relief. Such a contingency would be unfortunate for a number of reasons. First, it would further delay the implementation of an effective plan, a delay which the Supreme Court recognized as denying children their constitutional right to a substantially equal and their ability to learn to contribute to their own well-being and to that of this state and nation. Secondly, it would discard a negotiated solution agreed upon by the parties and result in costly, prolonged litigation. Finally, it would compromise negotiations currently taking place.

CONCLUSION

The struggle to reduce ethnic and racial isolation in the Hartford Region has been a long and difficult one but has resulted in significant progress in achieving the equal access to educational opportunity guaranteed by the Connecticut Constitution. The current proposed Settlement Agreement, though not a cure-all for all of the remaining challenges which the parties face in *Sheff*, is a practical, efficient and necessary step in achieving the ultimate goals as set forth by the Connecticut Supreme Court.

Respectfully submitted,



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ATTACHMENT



Connecticut State Department of Education CMT/CAPT Results for Hartford Resident Students

The data in the following pages contain CMT and CAPT performance of Hartford resident students who are enrolled in local and choice programs.

Notes:

Data reflect Hartford resident students; students from other towns are not included.

State Department of Education does not report CMT/CAPT results for student counts less than 20.

2013 data include performance of Hartford resident students in the CT Technical High Schools.

2013 Hartford Public Schools results do not include Ramon E. Betances Early Reading Lab, a school that is under special review.

These data represent annual snapshots of student performance; as such, the cohort of students tested from one year to the next will be different.

The 2012 Hartford Magnet School results for the "percent of students at or above goal in Science" is being reissued (see page 9).

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY GRADE

Reading Percent at/above Goal 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	25.5	36.4	53.7	31.7
4	27.1	39.5	51.0	39.2
5	29.6	46.9	75.0	52.3
6	34.6	60.6	43.0	54.5
7	41.2	62.0	66.3	66.4
8	36.8	51.8	50.0	61.6
10	5.4	26.9	25.3	15.2

Writing Percent at/above Goal 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	37.2	47.7	59.0	37.0
4	31.3	37.5	46.0	42.8
5	34.6	49.4	60.0	43.1
6	30.0	49.0	41.7	52.1
7	23.1	45.0	45.6	46.5
8	26.4	42.9	50.7	50.0
10	15.5	44.7	49.5	35.8

Math Percent at/above Goal 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	25.1	29.9	52.9	30.6
4	24.8	39.0	53.7	39.6
5	26.8	43.7	57.1	45.8
6	26.8	48.0	30.6	43.1
7	18.8	31.2	39.8	39.8
8	18.9	36.8	37.0	35.4
10	4.9	26.0	31.1	19.8

Science Percent at/above Goal 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
5	18.2	41.5	60.0	39.2
8	15.5	32.4	24.4	36.4
10	4.7	30.4	15.2	13.7

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY GRADE

Reading Percent at/above Proficiency 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	45.8	59.3	74.6	54.7
4	44.5	61.5	74.5	60.8
5	46.4	64.6	92.9	71.6
6	54.9	78.1	65.3	73.6
7	55.7	80.9	77.9	86.9
8	53.8	70.7	69.2	79.8
10	38.1	74.8	68.1	63.3

Writing Percent at/above Proficiency 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	65.0	71.5	76.9	63.6
4	63.7	68.8	76.2	78.3
5	65.8	84.8	93.3	80.8
6	58.6	78.4	73.5	76.0
7	51.7	74.9	71.9	74.8
8	58.7	74.4	75.4	82.7
10	56.8	88.9	94.6	74.7

Math Percent at/above Proficiency 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
3	54.6	66.0	77.9	60.4
4	52.4	62.5	87.0	67.9
5	45.8	62.9	89.3	73.7
6	53.8	73.4	69.4	73.4
7	45.7	66.5	72.8	78.8
8	49.5	72.2	80.3	88.9
10	29.5	64.7	63.3	49.4

Science Percent at/above Proficiency 2013

Grade	HPS Regular	Hartford Magnet	CREC Magnet	Open Choice
5	42.5	70.1	96.7	66.9
8	32.7	57.9	50.4	61.8
10	34.3	71.9	64.1	51.6

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

Hartford Resident Students: Reading Percent at/above Goal 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	24.7	3138	45.7	823	46.8	267	46.6	253
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	34.4	1853	47.7	650	47.6	275	45.4	485
Asian	27.8	115	53.1	32		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	51.1	231	73.9	111		< 20	58.3	< 20
Two + races	24.6	134	57.9	38		< 20	43.8	< 20

Hartford Resident Students: Math Percent at/above Goal 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	19.3	3251	36.0	833	40.4	267	42.3	267
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	24.0	1886	31.6	652	35.5	276	32.9	496
Asian	32.6	135	51.6	31		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	38.1	247	62.2	111		< 20		< 20
Two + races	14.0	136	39.5	38		< 20		< 20

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

Hartford Resident Students: Reading Percent at/above Proficient 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	42.7	3138	68.4	823	70.0	267	68.0	253
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	55.9	1853	72.9	650	70.2	275	69.3	485
Asian	42.6	115	78.1	32		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	70.6	231	89.2	111		< 20		< 20
Two + races	43.3	134	86.8	38		< 20		< 20

Hartford Resident Students: Math Percent at/above Proficient 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	44.2	3251	68.2	833	76.0	267	71.2	267
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	52.9	1886	62.6	652	71.0	276	69.6	496
Asian	54.8	135	77.4	31		< 20		< 20
		< 20		< 20		< 20		< 20
White	68.0	247	85.6	111		< 20		< 20
Two + races	44.1	136	76.3	38		< 20		< 20

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

Hartford Resident Students: Writing Percent at/above Goal 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hisp	24.8	3593	42.5	917	41.2	289	45.0	289
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	35.1	2090	43.3	719	51.6	304	42.8	549
Asian	36.5	126	52.9	34		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	46.1	245	68.1	113		< 20		< 20
Two + races	27.5	138	59.0	39		< 20		< 20

Hartford Resident Students: Science Percent at/above Goal 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hisp	12.8	1493	31.5	340	24.3	111	36.0	111
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	15.1	906	31.8	299	23.3	129	27.8	216
Asian	8.7	69		< 20		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	26.3	99	51.2	43		< 20		< 20
Two + races	12.3	65	54.2	24		< 20		< 20

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

Hartford Resident Students: Writing Percent at/above Proficient 2013 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	55.7	3593	75.0	917	75.8	289	76.5	289
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	67.7	2090	77.1	719	78.6	304	74.5	549
Asian	57.1	126	82.4	34		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	73.9	245	90.3	113		< 20		< 20
Two + races	65.9	138	87.2	39		< 20		< 20

Hartford Resident Students: Science Percent at/above Proficient 2013 CAPT and CMT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	33.1	1493	63.2	340	58.6	111	60.4	111
Native Amer.		< 20		< 20		< 20		< 20
African Amer.	40.7	906	64.2	299	60.5	129	61.6	216
Asian	17.4	69		< 20		< 20		< 20
Hawaiian/Pacific		< 20		< 20		< 20		< 20
White	70.7	99	79.1	43		< 20		< 20
Two + races	41.5	65	87.5	24		< 20		< 20

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

CTHSS (Grade 10 Only) % at/above Proficiency and % at/above Goal 2013													
Race	Reading Prof.	Reading Goal	Reading n	Math Prof.	Math Goal	Math n	Writing Prof.	Writing Goal	Writing n	Science Prof.	Science Goal	Science n	Science n
Latino/Hispanic	66.4	13.3	113	52.2	10.4	115	85.3	28.4	116	58.6	12.1	116	116
Native Amer.			<20			<20			<20			<20	<20
African Amer.	55.3	2.1	47	61.7	10.6	47	90.2	17.6	51	62.7	2.0	51	51
Asian			<20			<20			<20			<20	<20
Hawaiian/Pacific			<20			<20			<20			<20	<20
White			<20			<20			<20			<20	<20
Two + races			<20			<20			<20			<20	<20

HARTFORD RESIDENT STUDENTS ATTENDING LOCAL AND CHOICE PROGRAMS BY RACE

Hartford Magnet Data Corrected from 2012 transmission

Hartford Resident Students: Science Percent at/above Goal 2012 CMT and CAPT

Race	HPS Regular	HREGn	Hartford Magnet	HMn	CREC Magnet	CRn	Open Choice	OCn
Latino/Hispanic	13.0	1433	30.9	311	26.4	129	67.9	78
Native Amer.		<20		<20		<20		<20
African Amer.	14.7	902	31.9	235	28.4	141	66.1	174
Asian	9.1	55		<20		<20		<20
Hawaiian/Pacific		<20		<20		<20		<20
White	21.9	96	48.8	41		<20		<20
Two + races	14.8	128		<20		<20		<20